



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

**THE PRE-TRIAL JUDGE**

Case No.: **STL-18-10/I/PTJ**

The Pre-Trial Judge: **Judge Daniel Fransen**

The Registrar: **Mr Daryl Mundis**

Date: **16 September 2019**

Original language: **French**

Classification: **Public**

**THE PROSECUTOR**  
**v.**  
**SALIM JAMIL AYYASH**

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**PUBLIC REDACTED VERSION OF THE “ORDER TO OBTAIN THE  
PROSECUTOR’S SUBMISSIONS ON THE LIFTING OF THE  
CONFIDENTIALITY OF THE INDICTMENT OF 14 JUNE 2019  
AND OTHER RELATED DOCUMENTS” DATED 9 JULY 2019**

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**Office of the Prosecutor:**  
Mr Norman Farrell

**Defence Office:**  
Ms Dorothée Le Fraper du Hellen



1. **NOTING** the Prosecutor's Request of 14 December 2018 requesting the Pre-Trial Judge to confirm an Indictment against Mr Salim Jamil Ayyash ("Accused") for his role in the connected attacks;<sup>1</sup>
2. **NOTING** the Pre-Trial Judge's Decision of 15 May 2019 partially confirming the Indictment of 14 December 2018 issued against Mr Ayyash and ordering that a revised version of that Indictment be filed and that the confidentiality of the Prosecutor's Request of 14 December 2018 and of the Decision of 15 May 2019 be maintained until further notice to ensure the integrity of the judicial process, guarantee the protection of the witnesses concerned and to ensure the proper conduct of the ongoing investigations;<sup>2</sup>
3. **NOTING** the Pre-Trial Judge's Decision of 29 May 2019 dismissing the Prosecutor's Request of the same day seeking the correction or clarification of the Decision of 15 May 2019;<sup>3</sup>
4. **NOTING** the Pre-Trial Judge's Decisions of 6 and 17 June 2019 concerning redactions to a document submitted by the Prosecutor as supporting material and the related requests;<sup>4</sup>
5. **NOTING** the revised version of the Indictment filed on 14 June 2019 ("Indictment") and the related request;<sup>5</sup>

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<sup>1</sup> STL, *Prosecutor v. Salim Jamil Ayyash*, STL-18-10/I/PTJ, F0001, Prosecution's Submission of an Indictment for Confirmation and Order to Keep this Filing and its Annexes Confidential and Ex Parte; and Motion for an Arrest Warrant, Order for Transfer and Detention; and Order for Non-Disclosure, confidential and *ex parte*, 14 December 2018 ("Prosecutor's Request of 14 December 2018").

<sup>2</sup> STL, *Prosecutor v. Salim Jamil Ayyash*, STL-18-10/I/PTJ, F0003, Decision on the Review of the Indictment of 14 December 2018 issued against Mr Salim Jamil Ayyash, confidential and *ex parte*, 15 May 2019 ("Decision of 15 May 2019"), para. 101, disposition, pp. 52-54.

<sup>3</sup> STL, *Prosecutor v. Salim Jamil Ayyash*, STL-18-10/I/PTJ, F0006, Decision on the Prosecutor's Request for the Correction or, Alternatively, Clarification of the Decision of 15 May 2019, confidential and *ex parte*, 29 May 2019 ("Decision on the Dismissal of the Clarifications"), disposition, p. 3; STL, *Prosecutor v. Salim Jamil Ayyash*, STL-18-10/I/PTJ, F0005, Prosecution's Request for a Revised or Corrected Version of the 15 May 2019 "Decision on the Review of the Indictment of 14 December 2018 Issued against Mr Salim Jamil Ayyash" or, alternatively, Clarification of the Decision, confidential and *ex parte*, 29 May 2019 ("Prosecutor's Request for Clarification").

<sup>4</sup> STL, *Prosecutor v. Salim Jamil Ayyash*, STL-18-10/I/PTJ, F0008, Decision on the Prosecutor's Request Concerning the Filing of the Unredacted Version of Document [REDACTED] as Supporting Material, confidential and *ex parte*, 6 June 2019 ("Decision on the Redactions of 6 June 2019"), disposition, pp. 7 and 8; [REDACTED] ("Decision on the Redactions of 17 June 2019"). See also STL, *Prosecutor v. Salim Jamil Ayyash*, STL-18-10/I/PTJ, F0007, Prosecution Notification, and Request for Amendment of the "Decision on the Review of the Indictment of 14 December 2018 Issued against Mr. Salim Jamil Ayyash", concerning the Order to File as Part of the Indictment Supporting Materials the Unredacted Version of Document [REDACTED], confidential and *ex parte*, 4 June 2019 ("Prosecutor's Request Concerning the Redactions of 4 June 2019"); [REDACTED] ("Prosecutor's Request Concerning the Redactions of 13 June 2019").

<sup>5</sup> STL, *Prosecutor v. Salim Jamil Ayyash*, STL-18-10/I/PTJ, F0012, Request Seeking Leave to Further Amend the Confirmed Indictment, Provision of the Proposed Amended Version of the Redacted Indictment for Service on the Accused, and Notification, confidential and *ex parte*, 14 June 2019 ("Prosecutor's Request of 14 June 2019"). On 7 June 2019, the Prosecutor filed a first revised version of the Indictment, distributed on 11 June 2019, stating that

6. **NOTING** the Pre-Trial Judge's Decision of 19 June 2019 holding that the Indictment is in conformity with the Decision of 15 May 2019 and ordering, at the request of the Prosecutor, that the Prosecutor's Request of 7 June 2019 and Request of 14 June 2019 and their annexes, including the Indictment and the Decision of 19 June 2019, not be made public until further notice;<sup>6</sup>
7. **NOTING** the signed confidential redacted version of the Indictment dated 14 June 2019, filed by the Prosecutor ("Redacted Indictment");<sup>7</sup>
8. **NOTING** the arrest warrant and the international arrest warrant issued by the Pre-Trial Judge against Mr Ayyash on 20 June 2019 ("Arrest Warrant" and "International Arrest Warrant");<sup>8</sup>
9. **NOTING** the transmission of the Arrest Warrant and of the redacted Indictment to the Lebanese authorities on 4 July 2019 with a view to serving them on Mr Ayyash;<sup>9</sup>
10. **NOTING** Rule 73 of the Rules of Procedure and Evidence ("Rules"), according to which, subject to the provisions of Rule 74, the Indictment is made public upon confirmation by the Pre-Trial Judge.
11. **NOTING** Rules 76 (E) and 76 *bis* of the Rules concerning the public advertisement of the Indictment;
12. **NOTING** Rule 96 (A) of the Rules concerning the public nature of the pre-trial proceedings;

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he had incorporated the amendments mentioned in the disposition of the Decision of 15 May 2019 and requesting amendments to the Indictment filed on 14 December 2018, see STL, *Prosecutor v. Salim Jamil Ayyash*, STL-18-10/I/PTJ, F0009, Prosecution's Submissions following the 15 May 2019 "Decision on the Review of the Indictment of 14 December 2018 Issued against Mr Salim Jamil Ayyash" and Request Seeking Leave to Amend the Confirmed Indictment, confidential and *ex parte*, 7 June 2019 ("Prosecutor's Request of 7 June 2019").

<sup>6</sup> STL, *Prosecutor v. Salim Jamil Ayyash*, STL-18-10/I/PTJ, F0015, Decision on the Version of the Indictment of 14 June 2019 and the Documents Filed pursuant to the Decision of 15 May 2019, confidential and *ex parte*, 19 June 2019 ("Decision of 19 June 2019"), disposition, pp. 8 and 9; referring to the Prosecutor's Request of 7 June 2019.

<sup>7</sup> STL, *Prosecutor v. Salim Jamil Ayyash*, STL-18-10/I/PTJ, F0016, Prosecution's Submission of the Signed Redacted Indictment for Service on the Accused, confidential and *ex parte*, 20 June 2019, with Annex A, Redacted Version of the Indictment, dated 14 June 2019, confidential.

<sup>8</sup> STL, *Prosecutor v. Salim Jamil Ayyash*, STL-18-10/I/PTJ, F0017, Warrant to Arrest Mr Salim Jamil Ayyash including Transfer and Detention Order, confidential, 20 June 2019; STL, *Prosecutor v. Salim Jamil Ayyash*, STL-18-10/I/PTJ, F0018, International Warrant to Arrest Mr Salim Jamil Ayyash Including Transfer And Detention Request, confidential, 20 June 2019.

<sup>9</sup> Procès-verbal, Service of Documents, 4 July 2019.

13. **CONSIDERING** that, in order to anticipate the forthcoming stages of the proceedings, including the possible public advertisement of the Indictment, it is appropriate for the Pre-Trial Judge to request the Prosecutor's submissions on the lifting of the confidentiality and, where appropriate, the *ex parte* classification, of the above-mentioned documents;

**FOR THESE REASONS,**

**PURSUANT** to Rules 73, 74, 77 and 96 (A) of the Rules,

**THE PRE-TRIAL JUDGE,**

**REQUESTS** the Prosecutor to submit, by 22 July 2019 at the latest, his observations on the lifting of the confidentiality, in whole or in part, and, as the case may be, of the *ex parte* classification of the following documents, identifying, if necessary, the information that he deems should remain confidential, and providing the reasons in justification thereof:

- (i) Prosecutor's Request of 14 December 2018, and its annexes;
- (ii) Decision of 15 May 2019;
- (iii) Prosecutor's Request for Clarification;
- (iv) Decision on the Dismissal of the Clarifications;
- (v) Prosecutor's Request Concerning the Redactions of 4 June 2019;
- (vi) Decision on the Redactions of 6 June 2019;
- (vii) Prosecutor's Request of 7 June 2019, and its annexes;
- (viii) Prosecutor's Request Concerning the Redactions of 13 June 2019;
- (ix) Prosecutor's Request of 14 June 2019, and its annexes, including the Indictment;
- (x) Redacted Indictment;
- (xi) Decision on the Redactions of 17 June 2019;
- (xii) Decision of 19 June 2019;
- (xiii) Arrest Warrant;
- (xiv) International Arrest Warrant; and
- (xv) This Order.

Done in English, Arabic and French, the French version being authoritative.

Leidschendam, 16 September 2019

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[signature]

Daniel Fransen  
Pre-Trial Judge

